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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/051,895	01/17/2002	Hirokazu Yamagata	SEL 298	7909

7590 09/01/2004
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EXAMINER

GEYER, SCOTT B

ART UNIT	PAPER NUMBER
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2829

DATE MAILED: 09/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/051,895

Applicant(s)

YAMAGATA ET AL.

Examiner

Scott B. Geyer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-77 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8-42, 44-50, 52-58, 60, 61, 70-72, 74, 76 and 77 is/are allowed.
- 6) ☒ Claim(s) 1, 4, 62, 64-66 and 73 is/are rejected.
- 7) ☒ Claim(s) 2, 3, 5-7, 43, 51, 59, 63, 67-69 and 75 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>0504</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on August 10, 2004 has been entered.

Information Disclosure Statement

2. The references cited within the IDS, filed on May 4, 2004 have been considered.

Claim Objections

3. Claims 43, 51, 59, 67 and 75 are objected to because of the following informalities:

In line 2 for each of claims 43, 51, 59, 67 and 75: change "wherein the anode is wiping and cleaning" to - - wherein the anode is wiped and cleaned - -;

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 64, 65 and 73 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim **64** recites the limitation "the organic resin material" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim **65** recites the limitation "the inorganic insulating material" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim **73** recites the limitation "the inorganic insulating material" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Double Patenting

6. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

7. Claims 1, 4, 62 and 66 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 6 and 7 of U.S. Patent No. 6,720,198 (Yamagata et al.). Although the conflicting claims are not identical, they are not patentably distinct from each other because all of the limitations of claims 1, 4, 62 and 66 of the instant application are met by the elements of claims 1, 6 and 7 of Yamagata et al. ('198).

Specifically, for claim 1 of the instant application, see claim 1 of 6,720,198.

For claim 4 of the instant application, see claim 7 of 6,720,198.

For claim 62 of the instant application, see claims 1 and 6 of 6,720,198.

For claim 66 of the instant application, see claim 7 of 6,720,198.

Allowable Subject Matter

8. Claims 2, 3, 5-7, 63 and 67-69 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The prior art of record and to the examiner's knowledge does not teach or render obvious, at least to the skilled artisan, the limitations of each of claims 2, 3 and 5-7; Claims 2, 3 and 5-7 are dependent upon rejected claim 1. The prior art of record and to the examiner's knowledge does not teach or render obvious, at least to the skilled artisan, the limitations of each of claims 63 and 67-69; Claims 63 and 67-69 are dependent upon rejected claim 62.

9. Claims 8-42, 44-50, 52-58, 60, 61, 70-74, 76 and 77 are allowed.

10. The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record and to the examiner's knowledge does not teach or render obvious, at least to the skilled artisan, the instant invention regarding:

The process as recited in independent claim 8 wherein a transparent conductive film is formed on a second insulating film and the transparent conductive film is wiped and cleaned with a wiping and cleaning material;

The process as recited in independent claims 9, 46 and 54 wherein a first film comprising an organic resin material is formed over a thin film transistor and a second film comprising an inorganic insulating material is formed over the first film, combined with a step of wiping and cleaning the surface of an anode;

The process as recited in independent claim 17 wherein an insulating film is formed over an anode and the surface of the insulating film is wiped and cleaned with a wiping and cleaning material;

The process as recited in independent claim 18 wherein an insulating film comprising an organic resin material is formed over an anode and the surface of the insulating film is wiped and cleaned with a wiping and cleaning material;

The process as recited in independent claim 26 wherein a transparent conductive film is formed on a second insulating film and a third insulating film is formed on the transparent conductive film, combined with a step of wiping and cleaning the surface of the third insulating film with a wiping and cleaning material;

The process as recited in independent claim 27 wherein an anode is formed on a second insulating film and a third insulating film is formed on the anode, combined with a step of wiping and cleaning the surface of the third insulating film with a wiping and cleaning material;

The process as recited in independent claim 38 wherein a transparent conductive film is formed on the surface of a second insulating film, combined with a step of patterning the transparent conductive film to form an anode, wherein the anode is subsequently wiped and cleaned with a wiping and cleaning material;

The process as recited in independent claim 70 wherein a first insulating film is formed over a thin film transistor and a second insulating film is formed over the first film, combined with a step of wiping and cleaning the surface of an anode.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott B. Geyer whose telephone number is (571) 272-1958. The examiner can normally be reached on weekdays, between 10:00am - 6:30pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael J. Tokar can be reached on (571)272-1812. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SBG

August 24, 2004

SCOTT GEYER
PATENT EXAMINER

A handwritten signature in black ink, appearing to read "S. Geyer", with a stylized flourish at the end.